

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS A. BENJAMIN,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
	:	
NATIONAL RAILROAD PASSENGER	:	
CORPORATION	:	
Defendant.	:	No.: 09-4885

ORDER

AND NOW, this 23RD day of May, 2011, upon consideration of Defendant's Motion for Summary Judgment (Doc. No. 11) and Plaintiffs' Response in Opposition to the Motion for Summary Judgment, (Doc. No. 21), and for the reasons set forth in the accompanying Memorandum, it is hereby **ORDERED** that Defendant's motion is **DENIED**.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
UNITED STATES MAGISTRATE JUDGE